



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

RLB:CSK
F. #2005R000050

*271 Cadman Plaza East
Brooklyn, New York 11201*

January 14, 2011

BY ECF

The Honorable Dora L. Irizarry
United States District Judge
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Kiril Percy
Criminal Docket No. 05-471 (DLI)

Dear Judge Irizarry:

The government respectfully writes to request permission to file attachment 1 out of time as the government's response to the defendant's sentencing submission. By order of the Court dated December 10, 2010, the Court ordered that the defendant file his sentencing submission by January 6, 2011 and that the government file its response by January 13, 2011. The government drafted Attachment 1 as the government's response to the defendant's sentencing submission yesterday, but it inadvertently failed to file it by ECF at that time. The government apologizes for this error.

The government thus respectfully asks the Court for permission to file attachment 1 as the government's response to the defendant's sentencing submission out of time.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: _____/s/_____

Charles S. Kleinberg
Assistant U.S. Attorney
(718) 254-6012